

**Statement of Rep. Christopher H. Smith on September 11<sup>th</sup> 2018  
to Monmouth County Assistant Prosecutor Martha Nye  
in the case of THE STATE OF NEW JERSEY VS. DEREAL D. FINKLIN**

Thank you for your extraordinary work as assistant prosecutor and for rigorously seeking justice in a serious matter pertaining to my safety and by extension to those around me.

On July 27<sup>th</sup>, 2018, Kevin Burke, a retired law enforcement officer contacted my office concerning threats against me posted on social media by ultimately identified as DeReal Finklin.

I immediately believed and continue to construe Mr. Finklin's social media post of July 26<sup>th</sup>—"DeadManWalking" juxtaposed with my picture—a death threat.

Believing the threat to be immediate and credible, I called the United States Capitol Police, and prosecutors in my home county of Mercer and in Monmouth County. The investigation that ensued resulted in the arrest and detainment of Mr. Finklin for allegedly making terroristic threats and for cyber harassment.

Please be advised the threat was—and is—a cause of great concern to my wife, family and staff. There is no way one can—or should—trivialize, belittle, or ignore any death threat.

In light of a spate of recent murders by individuals who posted social media threats that went unheeded prior to the commission of their crimes, I am especially grateful for the responsiveness and professionalism of police and prosecutors involved in this case.

For the record, this is not the first time a serious threat has been made against me and likely won't be the last.

Last year the FBI informed me of another potential threat—a scheme involving a \$500,000 hit on my life.

In recent years, a number of local extremists have sought to intimidate and have harassed both my congressional staff and me necessitating urgent referrals to law enforcement both in the Fourth District and to the US Capitol Police. At least five separate cease and desist orders have been issued to individuals for threatening behavior.

On at least seven\* occasions the tire stems on my personally-owned family car have been slashed causing flat tires *en-route* between New Jersey and Washington—the Capitol Police are investigating.

Egregious pervasive harassment, including hate-filled obscene phone calls, have been directed at my staff and me—causing at least two staffers to find employment elsewhere.

In an attempt to mitigate a myriad of threats—and under advisement by the US Capitol Police—we have installed state-of-the-art surveillance capabilities at both our home in Hamilton Township and at two district offices. The installation of multiple network cameras, network video recorders, and touch button intercom and lock release systems are just some of the safety and security capabilities we have implemented.

In May of 2017—three weeks before Congressman Steve Scalise was shot along with others at a baseball field near the Capitol—I wrote an Op-Ed published by the Asbury Park Press entitled "Activists take dissent in dangerous direction" (see enclosed). Since then it has only gotten worse.

That said, the mother of DeReal Finklin, Michele Finklin, wrote me a letter dated August 21<sup>st</sup> that said in part:

"My son DeReal was diagnosis with mental illness disorders over ten years ago, For the first few years DeReal was on medication and could function and lead a normal life. DeReal at some point stopped taking his medications and his life began to spiral downward. He couldn't get a job and began to do things out of the ordinary for him to survive. DeReal became very distance to

family and friends and we saw his decline but without him taking his medication and being able to think correctly we could not reach him mentally...

"I do hope that because of his mental instability he does receive some kind of help while being incarcerated. Mental illness has many disorders and will only exacerbate if not treated. As a mother who has seen her child experience paranoia to the point where it has brought me to tears or given me a reason to call the crisis team, I beg and plead with you to help me get my son the necessary help that he truly needs." - (See attached letter)

On September 4<sup>th</sup> I spoke by phone with Michele Finklin and was moved by her love and empathy for her son, as well as for her concern for me.

If guilt is established at trial or a plea agreement reached, I am respectfully asking that you consider a path forward that is most likely to ensure that Mr. Finklin gets the mental health care he appears to critically need.

Thank you again for your work to protect the safety and security of all our citizens and your diligent attention to this prosecution.

\*since Rep. Smith gave his statement his tire has been slashed an additional time for a total of 8.